

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LISA DEVLIEG, MPT, a single woman,
Plaintiff,

v.

EASTSIDE SPORTS REHABILITATION
CLINIC - Partners: Michael Yamashita, PT,
Lisa van Loben Sel MPT, OCS, Jaime
Pilkington, MSPT,
Defendants.

NO. 22-cv-1219-RSM

ORDER OF DISMISSAL

THIS MATTER comes before the Court on Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Rule 12(b)(6). Dkt. #10. *Pro se* Plaintiff has filed a short Response which states, in part, "[a]fter a great deal of consideration, I don't feel it is in the best interest of either party to continue," and "I consequently will not oppose, and do acquiesce to Defendants Motion to Dismiss." Dkt. #13-1. She goes on to state "I therefore ask the Court to dismiss all claims with prejudice..." *Id.* She attaches a second copy of the proposed order filed by Defendants.

The Court does not need a Reply brief from Defendants. The parties agree that dismissal based on Rule 12(b)(6) is appropriate. The Court will interpret Plaintiff's filing as a voluntary

1 dismissal under Rule 41(a)(1), with the effect of dismissal with prejudice being the clear request
2 of Plaintiff. Dismissal with prejudice is the same result under either interpretation.

3 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Plaintiff's Complaint
4 Pursuant to Rule 12(b)(6) (Dkt. #10) is GRANTED. All of Plaintiff Lisa DeVlieg's claims
5 asserted against Defendants are dismissed with prejudice.

6 DATED this 16th day of December, 2022.

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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE
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